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**RESTORATION OF PUBLIC SECURITY: THE LINCHPIN IN
PEACEBUILDING AND POST-CONFLICT OPERATIONS**

BY

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ABSTRACT

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In the future, the United States will most likely be involved in combat operations, peace enforcement, peacekeeping, and humanitarian operations during which the restoration or establishment of the governmental infrastructure provides the center of gravity to promote democracy and provide stability within a region. This paper focuses on the complex problems associated with restoring law and order within failed and failing states. The study uses three historical examples to define the problem, to assess current doctrine, and to discuss the capabilities of the United States and the international community to execute these missions. It offers recommendations for the successful conduct of such operations.

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Introduction

The initial enthusiasm ushered in by the end of the Cold War has been quickly dispelled by a new era of uncertainty with increased potential of regional instability. An assessment by the National Defense University reports that

conflict within troubled states is likely to be a common occurrence, and in some cases, the state will fail--the government will cease to function effectively, and civil society will degenerate into near chaos.¹

Regimes such as those in Haiti, Somalia, Bosnia, and much of Sub-Saharan Africa can be currently classified as failed or failing states. Failed states are often plagued by intra-state conflict among ethnic and religious extremists. Because of humanitarian concerns and the desire to maintain stability in regions where the United States has vital and important interests, since 1991 the U.S. has conducted "twenty-seven overseas operations stemming from ethnic wars or state collapse."² Secretary of the Army Togo D. West, Jr., reports that "since 1989 the Army has experienced a 300 percent increase in operational deployments."³

As troubled states begin to collapse, their governments will become more tyrannical, violence becomes more widespread, with abuses by the police and security forces. Criminal organizations become more active and are likely to openly violate the persons

and property of the citizens and honest government officials. To add to the disorder, ethnic or tribal faction groups often have no interest in fostering stability within the nation state.

Pauline Baker and John Ausink conclude that a "state collapse causes ethnic conflict." They also provide a list of indicators which contribute to a failing state. They finally contend that "state building is at the heart of peace-building in collapsed states."⁴ In failed states, such core institutions as the police and the military are often discredited in the eyes of the people--complicating the process of state restoration.

In the future, The United States most likely will be involved in combat operations, peace enforcement, peacekeeping, and humanitarian operations during which the restoration or establishment of the governmental infrastructure provides the center of gravity to promote democracy and provide stability within a region. Key functions of any government are public security and a viable criminal justice system.

This strategic study examines the complex problems associated with restoring law and order within failed and failing states. It offers recommendations for the successful conduct of such operations. The study uses three historical examples to define the problem, to assess current doctrine, and to discuss the

capabilities of the United States and the international community to execute these operations.

Background

Promoting democracy abroad is a major tenet of President Clinton's National Security Strategy of Engagement And Enlargement. Post-conflict operations provide the ways and means to establish long-term stability and democratization within troubled states. Regardless of the type of operation, there is a high probability that law and order have broken down prior to or during the operation. Such breakdowns require U.S. or multinational forces to ensure that law and order is restored and maintained. Prior to departure of U.S. or multinational forces from an area of operations, a national police force must be organized, trained, and equipped with the ability to provide public security.

The U.S. Army and Marine Corps have a long history of providing public order and stability within nation-states where civil authority has ceased to function. Prior to World War II, our military forces gained experience from organizing, equipping, and training constabulary forces in the Philippines (1901-1946), American Samoa (1900-1951), Haiti (1916-1946), and Nicaragua

(1927-1933). These efforts provided valuable lessons to military commanders operating in environments threatened by insurgency.⁵

The 1940 U.S. Marine Corps Small Wars Manual states that

Military Police functions and judicial authority, to the extent that they have been assumed...are gradually returned to the native agencies to which they properly belong.⁶

However, a 1969 study on constabulary capabilities indicated that lessons learned from these operations were not reflected in military doctrine, despite their relevance to modern conflict.⁷

In the past decade, operations in Grenada, Panama, Somalia, and Haiti required the military commander to utilize military forces to create a safe and secure environment, including law and order functions. Military forces were also utilized to organize and train the national police force. Confusion regarding the roles, responsibilities, and functions of the Department of Defense (DOD) and Department of Justice (DOJ) has hampered our ability to efficiently reconstitute effective police forces.

Military operations other than war (MOOTW) respond to nontraditional threats; our preparation and capability to neutralize such threats may well determine the success of the operations. Armed civilians are sometimes drawn to violence by such conditions as lawlessness, poverty, and a breakdown of moral values. Criminal organizations (such as drug cartels, gangs,

pirates, and poachers) likewise contribute to instability. These criminal groups may take offensive action against law enforcement and peace enforcement units. Factional forces are often drawn up through some form of kinship; they may attempt to restore order by countering the social, economic, and values degradation fostered (at least in the perception of their adversaries) by other factions.⁸ Today, factional armies have formed in the Sub-Saharan Africa, Latin America, Eastern Europe, and Asia. Another infrequently mentioned threat is the predator nation-state. In Panama and Haiti, it was essential to dismantle the defense and police forces before attempting to restore a legitimate police force. Normally, a state that is failing has a dysfunctional and corrupt government.

Legal Considerations

During an intervention, military police soldiers are normally employed to restore law and order by serving as the public security force: they fill the "domestic security gap" until a new functional police force can be established. These military forces thus enforce laws and organize, train, and mentor the new police forces.⁹ Numerous legal issues may arise because of the

range, complexity, and unpredictability of missions associated with operations other than war. Regardless of the operation, U.S. policy requires our forces to comply with the provisions of the law of land warfare. The commander is responsible for maintaining law and order and providing humanitarian assistance to noncombatants and combatants in the area of operation until a responsive government is established. In addition, the domestic laws within the country apply to all forces, unless some international agreement specifies otherwise.¹⁰

During operations in Panama, all detained combatants and criminals were treated as prisoners of war. An adjudication council was established to determine each detainee's eligibility for repatriation. This council consisted of representatives from the new Panamanian government, U.S. Marshals, and U.S. Southern Command. Their procedures served as a model for our military forces in Haiti. During both missions, humanitarian organizations lauded the treatment, fairness, and protection of those detained under U.S control.¹¹ A contributing factor to the success of these detention operations and transitions to civil control was that the forces involved were principally the same for both operations. Despite these successful operations, we still lack institutional knowledge in the form of doctrine and

tactics to execute these missions. That is, we have not incorporated the lesson learned in Panama and Haiti into our institutional culture.

During Operation Restore Hope in Somalia, the U.S. was not an occupying force. Thus we did not have the authority to treat Somalia as a United Nations (UN) trust territory. Within the U.S. area of operations, we observed the law of occupation under the Fourth Geneva Convention. Under its provisions, the U.S. would "take all the measures in its power to restore, and ensure...public order and safety."¹² The U.S attempted to implement 1923 Italian law as the law of the land. Because restoring law and order was not included in the UN mandate, standardized procedures for the multinational forces operating in the country were not established. Michael Hoffman, an expert on international human rights, describes the U.S. quandary regarding Somalian civil disorder:

Crimes of rape, murder, and pillage in Somalia went unpunished because there was neither an effective police force nor a functional judiciary in the country-and the military commander lacked the legal authority to intervene in civil matters.¹³

While U.S. military forces provided training and support to foreign police who would eventually promote peace and stability, this was a complicated endeavor because of Section 660 of the

Foreign Assistance Act. Section 660 prohibits the use of any foreign assistance funds for training, advising, or supporting the police, prisons, or other law enforcement forces of any foreign government. During operations in Panama and Haiti, the requirements of Section 660 did not initially apply because the requirement to restore law and order and reestablish the police force supported the combat phase of the military operation. Even so, observance of Section 660 caused problems during the post-conflict phase of the operation, when police training programs initiated by U.S. military forces were transferred to other agencies.

Congress has been concerned about the U.S. training police organizations that then served repressive regimes. Accordingly in 1975, Section 660 was added to the Foreign Assistance Act of 1961. Section 660 terminated police assistance programs. But this prohibition did not apply to all federal police agencies: the Drug Enforcement Agency (DEA) and Federal Bureau of Investigation (FBI) were exempted. In an effort to combat drug trafficking and to counter terrorist threats to U.S. citizens, in 1981 Congress passed amendments to the statute which on a case-by-case basis provided funds to train foreign police.¹⁴ The most recent Congressional amendment came in February 1996. It allows

the reconstitution of civilian police authority and capability in post-conflict restoration to include the rule of law and the promotion of civilian police that support democracy.¹⁵

This amendment could have a profound effect on future operations. DOD and DOJ now have the legislative authority to synchronize their efforts in the reconstitution of the police forces. Training, mentoring, and police operations initiated by military forces could now be continued by DOJ to improve efficiency and reduce operational timelines in restoring an effective police force.

Operational Challenges

Political End-State. The primary objective of Operations Just Cause and Promote Liberty in Panama was to restore democracy there. Achievement of this objective required rebuilding the governmental infrastructure, a task that called for interdisciplinary cooperation within the U.S. Government. But in its efforts to maintain security, DOD did not coordinate with the Department of State (DOS), DOJ, or other agencies for the planning phase of the operation.¹⁶ This lack of coordination hampered DOJ's ability to organize, fund, and deploy personnel to Panama

to assist in rebuilding the criminal justice system and resulted in a duplication of our military and DOJ's efforts.

By way of contrast, during planning to intervene in Haiti, both the U.S. and the UN agreed on the major objective of establishing a stable, secure environment for restoration of a legitimate Haitian government. UN Resolution 940 in July 1994 provided time for development of U.S. political objectives. The U.S. then decided to support the national police, not to replace them. DOJ's International Criminal Training Assistance Program (ICITAP) therefore did not plan to initiate a new national police until February 1996. However, once the operation began, it became necessary for military forces to provide police functions, which then required development of a new police force.¹⁷

On the other hand, UN mandates for operations in Somalia did not address rebuilding governmental institutions. However, military forces were used to provide police services. Also, as in Haiti, we quickly perceived the need to establish a national police force.

Clearly stated objectives which specify the conditions for the exit of forces must be formulated prior to execution of an OOTW. These objectives include nation-building and restoration

of a public security force. Otherwise, the country may well collapse into anarchy after the departure of military forces.

Planning Public Security. A fully integrated political-military plan which addresses post-conflict operations must be developed and coordinated by the DOS, DOJ, and DOD during the interagency planning process. Also this plan is a critical element of the planning process for UN sponsored operations. This plan establishes responsibilities, objectives, command and control arrangements, and milestones to ensure a smooth transition to a legitimate criminal justice system within the host country, which is necessary to achieve long-term success.

A public security annex must be a component of the operational campaign plan for an OOTW military intervention. This annex must specify the policing functions to be performed, the process for reconstituting the local police, and the training program required for their reconstitution. Recent operations have demonstrated that military forces may have to perform these vital police services, especially in the early stages of the operation. We must prepare for this contingency--both in training our soldiers and in establishing the legality for our conduct of such activities.

In Operation Just Cause, the military staffs of SOUTHCOM and XVIII Airborne Corps were focused on the war-fighting plan, but they did not plan sufficiently for post-conflict operations. Prior to the termination of combat, military police forces quickly assumed responsibility for public safety. Because of massive looting, which was not anticipated, and the corruption of the civil government, U.S. military police forces were assigned the mission of restoring law and order in Panama City and surrounding suburbs.¹⁸

Operation Uphold Democracy in Haiti likewise provided some tense moments. U.S. forces were concerned with maintaining civil order rather than policing crimes committed by Haitians on Haitians. During a series of police beatings of Haitian civilians in Port-au-Prince, U.S. soldiers simply looked on, constrained by the rules of engagement that precluded interference with the Haitian police. On 25 September 1994, a firefight between U.S. Marines and Haitian security forces sent both the local police and Haitian military into hiding. This incident emboldened the local population and intimidated the police, and there was no further significant violence between U.S. and Haitian military forces. This resulted in U.S. military

forces and the International Police Monitors (IPM) assuming responsibility for public security.¹⁹

Likewise, in Somalia we made no advance provisions to restore or establish a police force. But once gross order (stopping the war) was established, U.S. forces developed an ad hoc program of standing up an indigenous police force, which achieved moderate success.²⁰ The Somali police, in contrast to their army, were respected by the people and had a reputation of fairness, which assisted in reconstituting the police force.

Initial Policing. As stated earlier, the domestic laws within a nation apply to all forces unless waived by an international agreement or when military forces are engaged in combat operations or when such forces are operating under a specified UN sanction. Military intervention during OOTW challenges traditional categories of international law, so it is critical to define the legal status of military forces. Failure to do so could impede the activities of military forces and negatively impact on the political, diplomatic, and strategic objectives that compelled their deployment. Enforcing existing law, apprehending violators, detaining offenders, and assisting indigenous police forces are decisive issues that must be addressed during intervention planning.

In Panama, Military Police units were so fully engaged in performing area security, battlefield circulation control, and enemy prisoner of war missions that the transition to restore law and order was difficult. American soldiers' enforcement of civil law in a foreign country presents considerable political, social and physical risks. The task was made more difficult because of our military police soldiers' unfamiliarity with Panamanian criminal activity and law, as well as their lack of knowledge about the area they would be policing. The young military police soldiers were unaccustomed to the high incidence of serious crime and physical brutality they encountered. Most of their previous experiences had been gained at U.S. Army installations, where serious crime is rare. Moreover, few knew the Spanish language.

According to Colonel Mike Sullivan, commander of the Military Police Battalion:

Several murders, aggravated assaults and robberies commonly occurred daily. Shooting incidents were frequent...Dealing with criminal subjects, victims and hysterical family members...was a challenge for 18 to 24 year old soldiers.²¹

By January 1990, U.S. military police forces were tasked to organize, train, and work with the new Panamanian police force. Ironically, the vast majority of these "new" police officers were the same individuals who had been detained just weeks before as

prisoners. During the vetting process, all Panamanian officers with the rank of colonel and the vast majority of lieutenant colonels were removed from their police posts.²² The majority of majors and below were allowed to remain in the police program. Re-establishment of Panamanian police called for joint station operations and joint patrols, as well as provision of equipment and facilities. The U.S. military police's most important task was to provide a role model for the new policemen. On the first day, most of the local policeman showed up with lead filled rubber hoses or cattle prods--instruments the Panamanian police had routinely used on their fellow countrymen in the past. U.S. military police soldiers then developed a twenty-hour basic course to provide instruction in police ethics, community relations, criminal law, use of force, traffic enforcement, arrest procedure, and first aid.

The International Criminal Investigative Training Assistance Program (ICITAP) assumed responsibility for the training and equipping of the new police force in February 1990. But military police forces continued to work with local police forces for nearly four months. ICITAP only had a handful of personnel in Panama and was not ready to assume the full range of responsibilities. The new police force still was not capable of

independent action. Military police forces continued joint patrols, crime prevention programs, and operation of joint police stations. Initially, U.S. military police forces were in charge of the stations. After about two months, these operations were transitioned to the Panamanian police, allowing them to lead, make decisions, and take charge.

The situation in Somalia presented even more challenges than did operations in Panama. In December 1993, Lieutenant General Johnson, the UNITAF Commander, and Ambassador Robert Oakley, Special Envoy to Somalia, became convinced that a local police force should be restored in areas where public support for them existed. One of the initial problems was to identify former members of the national police, since the personnel records were in poor condition. Ambassador Oakley personally negotiated with clan leaders on setting up police districts so the police would support their respective clans. Plans were developed to vet 2,500 police and reopen police stations that were in poor condition. By mid-January, the first patrols were on the streets of Mogadishu; by March 1993, there were 3,000 officers. But such issues as operational funds, logistical support, and salaries had not been resolved. Significantly, although while there was no political authority for the police force, security improved. For

the first time in two years, criminals were arrested and the police were tolerated by the armed factions. Even so, the UN would not support the legitimacy of the police nor undertake an effort to build a future force.²³

After dismantling the Haitian police in late September 1994, our military forces provided police services within the country. In late October 1994, 670 armed International Police Monitors (IPM), led by a former New York City Police Commissioner, arrived in Haiti. Then a decision was made to form an interim police force of 3,000 officers, most of whom were former members of repressive FAdH national police. U.S. military forces, IPMs, and the new interim police force conducted joint patrols, served joint station operations, and shared equipment. Even though the new interim police force was being screened for human rights violations, they were viewed negatively by the general population.²⁴ The IPMs increased in size to over 800 and were deployed throughout the country. The IPMs assisted the interim police in arrests, monitoring the treatment of detainees and the collection of evidence.

In peacebuilding or post-conflict activities, we must anticipate the need to quickly employ military forces or UN civilian police (CIVPOL) to reestablish law and order in order to

provide public security. It may be necessary to establish curfews and related ordinances (such as restraints on travel, gatherings, firearms, alcohol) if appropriate. Military forces and UN CIVPOL can conduct joint patrols and joint station operations with local police forces or assist in establishing a legitimate police force

An extremely important phase in restoring a public security force is the vetting process. In Haiti and Panama large numbers of former soldiers and policemen returned to positions of trust and public service. Vetting new policemen is a difficult process because the political culture within a failed state is dysfunctional. The first challenge is to establish a non-biased governmental committee to screen the candidates. Historically, these appointments were made on the basis of nepotism and corruption. This skewed process will create mistrust between the new host nation government and intervention forces. The second challenge is to conduct background checks of the potential recruits. In the past, the records have been either nonexistent or in shoddy condition; thus human right violations cannot be verified. The third challenge is to develop a non-biased testing instrument to measure cognitive skills. But this is almost impossible to achieve. Also, the best educated and experienced

individuals are former policemen who may provide the necessary leadership to build a professional force, but they may not be acceptable to the new government.

National Police Training. ICITAP arrived in Panama with an extremely small staff which was immediately confronted with the large task of organizing and training the new national police. Previously, ICITAP had offered workshops, courses, and seminars on various police subjects to policemen who thought of themselves as civilian policemen. Although it took ICITAP about a year to build up its program in Panama, they did develop a comprehensive training program which built on the training provided by military forces.

Reconstitution of a police force is a vital task in a long-term nation-building process. ICITAP has developed a 120-hour transition course to teach technical procedures and proper behavior. By the end of 1992, less than half of the reconstituted policemen had attended this course. A subsequent major initiative was the development of a police academy to train a new police force not tainted by its past. The new force was scheduled for completion by the end of 1992. However, at the end of 1992, sixty-four percent of the population still distrusted and lacked confidence in the police.²⁵ Today, ICITAP continues

to train and equip the Panamanian police force. It is interesting to note that while Just Cause lasted forty days, rebuilding the infrastructure has proceeded for over six years and still continues today. Nation-building obviously does not happen overnight.

In Haiti, ICITAP planned on fielding a 4,000 man Haitian National Police (HNP). However, the decision to totally disband the interim police force required ICITAP to recruit and train a force of 7,000.²⁶ This enlarged task posed additional logistical and administrative problems for ICITAP. There also was strong opposition to ex-military officers participating in the program. As of March 1996, 108 former military officers remained under consideration for senior leadership positions in the HNP.²⁷

A Haitian police academy was established; it offers a four-month course of instruction for new officers. Haitian lawyers teach governmental rules and procedures. ICITAP, assisted by some Canadian instructors, teach the role of police in a democracy, human rights issues, and technical aspects of policing. Haiti currently employs approximately 6500 policemen.²⁸

In March 1995, the Haiti mission was transitioned to the United Nations Mission in Haiti (UNMIH). Responsibility for mentoring and monitoring the HNP in the field was then handed off

to UN CIVPOL. Over half of the 900 man UN CIVPOL organization came from IPMs which provided continuity.

ICITAP and UN CIVPOL have worked closely together in developing a field training program to reinforce academic instruction. The effectiveness of this field training has varied: In some areas police receive quality instruction; while in other areas instruction is lackadaisical; in other areas, there is no instruction. Likewise, CIVPOL includes some competent professionals and some individuals who have committed criminal acts themselves.²⁹ In addition, CIVPOL has repeatedly deferred their responsibility for human rights monitoring to the human rights observers. This has resulted in serious abuses by the police--to include beatings, torture, and the killing of 46 civilians.³⁰

In June 1996 the UN operation in Haiti was transferred from UNMIH to United Nations Support Mission in Haiti (UNSMIH). This mission was scheduled to end in December 1996. However, because the HNP were not ready to maintain security and because there was potential for increased crime and instability, the UN mission was extended to 31 May 1997. It could be extended longer if there is not an effective program in place. The HNP still suffer from

inexperience, inadequate equipment, and poor leadership. A UN report observed that:

Many police officers did not have uniforms and performed their duties in civilian clothes, [which] created confusion among the population. ...Police stations lack electricity, plumbing and water, and some serve their communities without telephone, radio or vehicles.³¹

Urban and rural crime is already on the increase in Haiti. Violent gangs are shaking down businesses and assaulting vehicle occupants with increasing frequency. Further, the average age of a Haitian policeman is twenty-two, and the average experience level is eight months. Supervisors also lack experience. Approximately 50 of 185 leadership positions are currently being filled. Vehicles needed to respond to crime and to conduct mobile patrols are in short supply. In 1996, police abuses against civilians were excessive, but for the first time the police were held accountable for their individual acts of violence.³²

In January 1993, police were on patrol in Somalia. They were quickly used to support multinational forces outside the port and at the airport, and to improve traffic flow.³³ The UN sent a team to determine if a national police force should be established along with judicial and penal systems. The team

recommended that a 20,000-man national police force be established, to be supported by a contingent of 500 UN CIVPOL to assist in the restoration of the police force. While the UN Security Council supported the recommendations, the General Assembly has not acted on them.³⁴

On 4 May 1993, the mission in Somalia changed from peacekeeping to a peace enforcement operation. The UN approved a plan to establish a 10,000-man national police force to serve under the supervision of the UN military commander until the deployment of UN CIVPOL, scheduled for October 1993. This plan also called for the reconstitution of judiciary and penal systems. However, by June 1993 the UN mission was actively engaged in attempting to enforce the UN mandate and to respond to violations of the cease-fire. These UN activities antagonized most Somalis and lent a degree of legitimacy to General Aideed, a major clan leader. He declared himself the only Somalian capable of challenging a foreign military presence. His resistance to UN operations resulted in a total collapse of efforts to build a public security force. Then ICITAP made a final effort. A plan was proposed to organize a police force, to refurbish police stations, and to train a national police force. Because of the

political situation, Congress refused to fund the operation. By June 1994, ICITAP had departed from Somalia.³⁵

The U.S. and the international community must recognize that the restoration or establishment of a national police force is a legitimate part of a OOTW. Effective police provide immediate stability and inspire confidence in the local population, who then support the new democratic government. Nonetheless, recent experiences have demonstrated that societal change is never easy, and nation-building takes longer than expected. But without an effective police force, nation-building becomes impossible. But it is not only the police that must be reconstituted, so also must the entire criminal justice system be restored or revised. A problem in Haiti has been that when the police apprehend criminals, they are turned over to corrupt, untrained, or ineffective judges. No judge or prosecutor in Haiti until mid-1995 had received any specialized professional training.³⁶

Doctrinal Review

Doctrine codifies our institutional knowledge to provide guidance on how we intend to conduct war and operations other than war. It provides a common framework for planning,

conducting, and executing operations. Since the mid 1970s, restoring law and order and training indigenous police has received only cursory attention in our doctrine. Historically, FM 19-50, Military Police in Stability Operations (February 1970), provided comprehensive guidance for conduct of post conflict operations.

Restoration of civil control remains a foremost objective of U.S. stability operations. Training, advising, and operational assistance to host country civil, military and paramilitary police by the Military Police Corps as extension of its currently assigned law enforcement and security responsibilities.³⁷

Army FM 100-5, Operations (June 1993), is the capstone document for conducting operations in the post Cold War environment. It provides only a rudimentary framework, noting that after the fighting stops the Army will transition to post-conflict operations, which are described as the stage that focuses on restoring order and minimizing confusion following the operation, reestablishing the host nation infrastructure, preparing for redeployment and continuing presence to allow other elements of national power to achieve the overall strategic aims.³⁸

Army FM 100-23, Peace Operations (December 1994) briefly indicates that, in an OOTW environment, military forces may have to restore and maintain order to ensure stability where civilian authority has ceased to function:

Peace building consists of post-conflict actions, primarily diplomatic, that strengthen and rebuild civil infrastructures and institutions in order to avoid a return to conflict...activities include restoring civil authority, rebuilding physical infrastructure.³⁹

Restoration of law and order does not fit neatly into these descriptions of post-conflict or peace-building operations. No matter whether the operation is peace enforcement (Somalia), direct combat (Panama), or transition from dictatorship to democracy (Haiti), providing law and order has been a critical phase immediately after each operation was initiated. In Panama and Somalia, this restoration of public security forces came as an afterthought; it was not anticipated in planning for the operations. In Haiti, military forces provided police services because no one else was available to execute this critical mission.

FM 100-23, Peace Operations recognizes the need for restoration operations: But the Army needs manuals that provide tactics, techniques, and procedures to units on how to establish and conduct police operations during OOTW and how to reconstitute a host nation police force.

Although current doctrine recognizes the need for nation assistance in operations such as we have been conducting during the decade, it does not sufficiently address restructuring and

reorienting police forces, for transforming them from instruments of repression to fair and responsible supporters of an elected government, as the case studies have shown to be necessary.

The Army should develop a comprehensive document that provides specific guidance in the following areas: responsibilities of military forces for enforcing laws in a foreign country; detention of civilians; techniques for organizing, vetting, and training an indigenous police force; and guidelines for developing joint patrols, operating a joint police station, and mentoring the new force. Further, this document should define and clarify the Army's roles, functions, and relationship with ICITAP and UN CIVPOL and other civilian agencies. Such effective, new guidance would almost certainly facilitate future OOTWs.

Organizational Capabilities

ICITAP. The Department of Justice's International Criminal Investigative Training Assistance Program was created in 1986 as the only U.S. program to specifically address the development and training requirements of law enforcement agencies in emerging democracies, principally in Latin America and the Caribbean.⁴⁰

All ICITAP activities seek to provide long-term, sustainable improvements in the delivery of all law enforcement services. While ICITAP has made significant contributions to law enforcement programs in stable environments, it has encountered difficulties in responding to short-notice contingency operations.

As recent operations have demonstrated, ICITAP did not have the structure or capability to quickly and efficiently reconstitute police forces and initiate police services when the repressive forces have been removed. ICITAP relies on professional contract personnel to execute this training mission. In Panama, one year after the intervention there were only seven ICITAP personnel in country to train the national police.⁴¹ Its inability to react quickly to a crisis was one of the reasons it took 18 months to stand up a new national police force in Haiti after the intervention. Further, ICITAP does not have a contingency budget, so it must wait upon funding for a specific mission to pay consultants or award contracts to conduct training. This delay creates a "security gap" that constrains the military commander to utilize military units to provide critical law enforcement services and assist in establishing or supporting local police forces. Either ICITAP must be

reorganized and resourced to be responsive as the situation requires, or military police forces must be resourced for transitional constabulary operations.

ICITAP is currently engaged in operations in Eastern Europe, the Caribbean, and Central and South America, involving approximately nineteen countries. All ICITAP police instructors have had previous professional law enforcement experience.

We must enhance ICITAP's ability to plan and execute necessary contingency missions. An ICITAP contingency fund must be available to allow for their quick response to an operation. ICITAP should participate in DOD exercises to ensure that procedures are refined to provide a smooth transition from military forces to ICITAP control.

UN CIVPOL. During a U.N. mandated multinational operation, more than likely civilian police (CIVPOL) will be recruited and deployed to the area of operation. Members of CIVPOL are generally unarmed and widely deployed in the field. The role of CIVPOL is to monitor the performance and conduct of local police and to assist them in the execution of their duties. The duty of CIVPOL is to serve the affected population and not the local government.⁴² To ensure unity of effort and standardization of

procedures, intervention forces must plan and coordinate the employment of ICITAP and UN CIVPOL.

UN CIVPOL has been involved in operations for the past 35 years with varying degrees of effectiveness. The UN has acknowledged the problems associated with CIVPOL. In an effort to improve CIVPOL operations, the U.N. reorganized CIVPOL under the control of the Office of Planning and Support in the Department of Peacekeeping Operations (DPKO). A newly developed training unit prepared materials and assisted member states in standardized training. The UN has produced a handbook prescribing the functions, responsibilities, and conduct of civilian police monitors. The effectiveness of this handbook in improving the quality of the CIVPOL personnel will be evaluated over time.⁴³

The personnel that many UN member states provide CIVPOL lack basic policing skills, do not speak the official language of the mission country, and fail to understand the cultural or political conditions in the area of operations. In addition, many lack driving skills and do not present an acceptable role model for the fragile indigenous police. Because of incompetence and inappropriate behavior by some UN CIVPOL personnel in Haiti, ICITAP sent out field training officers with the deployment of

the new policemen to support them during their first month in the field.⁴⁴

In a presidential directive, President Clinton outlined six reforms to improve multilateral peace operations. One of the President's objectives was to improve the ability of the UN to plan and conduct these operations. The intent and spirit of this document requires the U.S. to use its influence to strengthen the UN's ability to recruit, train, and deploy competent civilian police. We must encourage the UN to increase the number of professional police supervisors in the DPKO to enhance training and ensure that performance standards are met by contributing member states.

Conclusion

This study has analyzed the complex issues often associated with restoring or establishing a public security force in a failed state. ICITAP is the only U.S. governmental agency authorized to train and improve the management capabilities of foreign law enforcement agencies. However, ICITAP currently has only a limited ability to conduct crisis management planning and to deploy on short-notice. Therefore our military forces are currently being used to train, organize, and mentor the

indigenous police forces. This has led to a duplication of effort and unnecessary expenditure of resources, as well as to delays in effective nation-building.

The UN must also improve its process for recruiting, training, and deploying its civilian police. Also, professional standards must be established for CIVPOL personnel if they are going to have a positive impact on the new national police.

Although current Army doctrine recognizes the need for nation assistance as part of post-conflict operations, this doctrine does not address reconstitution of public security forces. We must establish tactics, techniques, and procedures to improve our proficiency in these complex missions.

The U.S. will continue to conduct unilateral or multilateral OOTW where restoration and reconstruction of the political, legal, economic, and social systems are required to ensure mission success. Reconstitution of the public security force provides means to establish regional stability and support the democratization process in places where the U.S. has vital or important interests.

ENDNOTES

¹Institute For Strategic Studies, *Strategic Assessment 1996: Instruments of U.S. Power*, (Washington: National Defense University Press, 1996), 3.

²Pauline H. Baker and John A. Ausink, "State Collapse and Ethnic Violence: Toward a Predictive Model," *Parameters* 26 (Spring 1996): 19.

³Togo D. West, Jr. and Dennis J. Reimer, *A Statement on the Posture of the United States Army, Fiscal Year 1997*. Presented to the 104th Cong., 2d sess. (Washington: U.S. Department of the Army, 1996), ix.

⁴Baker and Ausink, "State Collapse," 21-25.

⁵Human Sciences Research, Inc. *Constabulary Capabilities For Low-Level Conflict*, Report prepared by M. Dean Havron, William W. Chenault, James M. Dodson, and A. Terry Rambo, 1969, p. 2.

⁶U.S. Marine Corps, *Small Wars Manual* (rpt. of 1940 ed. Washington: Headquarters U.S. Marine Corps, Department of the Navy, 1987), 7.

⁷Human Sciences Research, Inc., *Constabulary Capabilities*, p. 7.

⁸John W. Jandora, "Threat Parameters for Operations Other Than War," *Parameters* 25 (Spring 1995): 58-65.

⁹Col Howard E. O'Brien, HQ Defense Logistics Agency, interviewed by author, 1 November 1996, Washington, DC.

¹⁰Department of the Army, *Legal Operations*, FM 27-100 (Washington: U.S. Department of the Army, 30 September 1991), 28.

¹¹Center for Law and Military Operations, *Law and Military Operations in Haiti, 1994-1995* (Charlottesville, VA: Judge Advocate General's School, 1995), 45-54.

¹²Ibid., 55.

¹³Michael H. Hoffman, "War, Peace, and Interventional Armed Conflict: Solving The Peace Enforcer's Paradox," *Parameters* 25 (Winter 1995-96): 49.

¹⁴General Accounting Office, *Foreign Police Training in Eastern Europe* (Washington: U.S. General Accounting Office, 1993), 2.

¹⁵*Foreign Relations and Intercourse. U.S. Code, Vol. 22, sec. 2420* (1994).

¹⁶William W. Mendel and David G. Bradford, *Interagency Cooperation A Regional Model for Overseas Operations* (Washington: National Defense University Press., 1995), 9.

¹⁷Margaret Daly Hayes and Gary F. Wheatley, eds., *Interagency and Political-Military Dimensions of Peace Operations: Haiti- A Case Study* (Washington: National Defense University Press, 1996), 43-45.

¹⁸Richard H. Shultz, Jr. *In The Aftermath of War US Support for Reconstruction and Nation Building in Panama Following Just Cause* (Maxwell Air Force Base, AL: Air University Press, 1993), 19-28.

¹⁹Hayes and Wheatley, eds., *Haiti- A Case Study*, 17.

²⁰Robert Oakley and Michael Dziedzic, "Policing the New World," *Strategic Forum* 84 (October 1996): 4.

²¹Michael L. Sullivan, *The National and International Implications of U.S. Army Military Police Operations*, (Carlisle, PA: USAWC, 1993), 17.

²²Shultz, *Just Cause*, 47.

²³Martin R. Ganzglass, "The Restoration of the Somali Justice System," *International Peackeeping* 3 (Spring 1996): 116-119.

²⁴Rachel Neild, *Policing Haiti: Preliminary Assessment of the New Civilian Security Force* (Washington: Washington Office on Latin America, September 1995), 8-9.

²⁵Shultz, *Just Cause*, 50.

²⁶Neild, *Haiti: Preliminary Assessment*, 19.

²⁷Rachel Neild, *The Haitian National Police* (Washington: Washington Office on Latin America, March 1996), 9.

²⁸Neild, *Haiti: Preliminary Assessment*, 24.

²⁹Neild, *Haitian National Police*, 11.

³⁰Washington Office on Latin America, *The Human Rights Record of the Haitian National Police* (Washington: Washington Office on Latin America, 1997), 6.

³¹United Nations Press Release, "Security Council Extends Haiti Mission Until 31 May 1997," 5 December 1996, <<http://www.un.org:80/Depts/DPKO/Missions/unsmih.htm>>, p.2.

³²Donald E. Schulz, *Whither Haiti* (Carlisle, PA: USAWC, April 1, 1996), 26.

³³John L. Hirsch and Robert B. Oakley, *Somalia and Operation Restore Hope* (Washington: United States Institute of Peace Press, 1995), 89.

³⁴Ganzglass, "Somali Justice System," *International Peacekeeping*, 120.

³⁵Ibid., 124-126.

³⁶Donald E. Schulz, *Haiti Update* (Carlisle: United States Army War College, 1997), 16.

³⁷Department of the Army, *Military Police in Stability Operations*, FM 19-50 (Washington: U.S. Department of the Army, February 1970), 2.

³⁸Department of the Army, *Operations*, FM 100-5 (Washington: U.S. Department of the ARMY, June 1993), 3-11.

³⁹Department of the Army, *Peace Operations*, FM 100-23 (Washington: U.S. Department of the Army, December 1994), 2.

⁴⁰General Accounting Office, *Police Training*, 5.

⁴¹Shultz, *Just Cause*, 50.

⁴²United Nations, *A UNHCR Handbook For The Military On Humanitarian Operations*, (Geneva: UNHCR Headquarters, 1995), 43.

⁴³United Nations, "Application of Lessons Learned from UN Operations," 26 January 1997, <<http://www.un.org/plweb-cgi/idoc.>>. p.5.

⁴⁴Neild, *Policing Haiti*, 10.

BIBLIOGRAPHY

Baker, Pauline H., and John A. Ausink, "State Collapse and Ethnic Violence: Toward a Predictive Model." *Parameters* 26 (Spring 1996): 19-31.

Center for Law and Military Operations, *Law and Military Operations in Haiti, 1994-1995*. Charlottesville, VA: Judge Advocate General's School, 1995.

Clarke, Walter and Robert Gosende, "The Political Component: The Missing Element in US Intervention Planning." *Parameters* 26 (Autumn 1996): 35-51.

Dorff, Robert H. "Democratization and Failed States: The Challenge of Ungovernability." *Parameters* 26 (Summer 1996): 17-31.

Fishel, John T. *The Fog Of Peace: Planning and Executing The Restoration Of Panama*. Carlisle, PA: U.S. Army War College, 1992.

Foreign Relations and Intercourse. U.S. Code. Vol. 22, secs. 2420 (1994).

Ganzglass, Martin R. "The Restoration of the Somali Justice System." *International Peackeeping* 3 (Spring 1996): 113-138.

Hayes, Margaret Daly, and Gary F. Wheatley, eds. *Interagency and Political-Military Dimensions of Peace Operations: Haiti-A Case Study*. Washington: National Defense University Press, 1996.

Hills A. E. "Low Intensity Conflict and Law Enforcement in sub-Saharan Africa." *Low Intensity Conflict and Law Enforcement* 5 (Summer 1996): 1-17.

Hirsch, John L., and Robert B. Oakley. *Somalia and Operation Restore Hope*. Washington: United States Institute of Peace Press, 1995.

Hoffman, Michael H. "War, Peace, and Interventional Armed Conflict: Solving The Peace Enforcer's Paradox." *Parameters* 25 (Winter 1995-96): 41-52.

Human Sciences Research, Inc. *Constabulary Capabilities For Low-Level Conflict*, Report prepared by M. Dean Havron, William W. Chenault, James M. Dodson, and A. Terry Rambo. 1969.

Institute For Strategic Studies. *Strategic Assessment 1996: Instruments of U.S. Power*. Washington: National Defense University, 1996.

Jandora, John W. "Threat Parameters for Operations Other Than War." *Parameters* 25 (Spring 1995): 55-67.

Marcella, Gabriel. *Haiti Strategy: Control, Legitimacy, Sovereignty, Rule of Law, Handoffs, and Exit*. Carlisle, PA: U.S. Army War College, 1994.

Marks, Edward and William Lewis. *Triage for Failing States*. Washington: National Defense University, 1994.

Mendel, William W., and David G. Bradford. *Interagency Cooperation A Regional Model for Overseas Operations*. Washington: National Defense University, 1995.

Neild, Rachel. *Policing Haiti: Preliminary Assessment of the New Civilian Security Force*. Washington: Washington Office On Latin America, September 1995.

Neild, Rachel. *The Haitian National Police*. Washington: Washington Office On Latin America, March 1996.

Neild, Rachel. *The Challenge of Demilitarizing Public Order and Establishing the Rule of Law*. Washington: Washington Office On Latin America, November 1996.

Oakley, Robert and Michael Dziedzic, "Policing the New World." *Strategic Forum* no. 84 (October 1996): 1-4.

O'Brien, Howard E., Colonel U.S. Army. Interview by author, 1 November 1996, HQ Defense Logistics Agency, Washington, DC.

Perry, William J. *Annual Report to the President and the Congress*. Washington: U.S. Government Printing Office, March 1996.

Schulz, Donald E. *Whither Haiti*. Carlisle, PA: U.S. Army War College, 1996.

Schulz, Donald E. *Haiti Update*. Carlisle, PA: U.S. Army War College, 1997.

Shultz, Richard H., Jr. *In The Aftermath of War US Support for Reconstruction and Nation Building in Panama Following Just Cause*. Maxwell Air Force Base, AL: Air University Press, 1993.

Sullivan, Michael L. *The National and International Implications of U.S. Army Military Police Operations*. Carlisle, PA: U.S. Army War College, 1993.

United Nations Press Release. "Security Council Extends Haiti Mission Until 31 May 1997." 5 December 1996.
<http://www.un.org:80/Depts/DPKO/Missions/unsmih.htm>. 26 January 1997.

United Nations. *A UNHCR Handbook For The Military On Humanitarian Operations*. Geneva: UNHCR Headquarters, 1995.

United Nations. "Application of Lessons Learned from UN Operations." <http://www.un.org/plweb-cgi/idoc>. 26 January 1997.

U.S. Department of the Army. *Military Police in Stability Operations*. FM 19-50. Washington: U.S. Department of the Army, February 1970.

U.S. Department of the Army. *Legal Operations*. FM 27-100. Washington: U.S. Department of the Army, 30 September 1991.

U.S. Department of the Army. *Operations*. FM 100-5. Washington: U.S. Department of the Army, June 1993.

U.S. Department of the Army. *Peace Operations*. FM 100-23. Washington: U.S. Department of the Army, December 1994.

U.S. General Accounting Office. *Foreign Police Training in Eastern Europe*. Washington: U.S. General Accounting Office, 1993.

U.S. Marine Corps. *Small Wars Manual*. Washington: U.S. Department of the Navy, Headquarters U.S. Marine Corps, 1940. Reprint, 1 April 1987.

Washington Office on Latin America. *The Human Rights Record of the Haitian National Police*. Washington: Washington Office On Latin America, 1997.

West, Togo D., Jr., and Dennis J. Reimer. *A Statement on the Posture of the United States Army, Fiscal Year 1997*. Presented to the 104th Cong., 2d sess. (Washington: U.S. Department of the Army, 1996.